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EXAMINER

VU, KIEU D

ART UNIT PAPER NUMBER

2173

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/716,227

Applicant(s)

KWON ET AL.

Examiner

Kieu D. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 48-49 is/are allowed.
- 6) ☒ Claim(s) 1-47 and 50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office action is responsive to the Request for Continued Examination (RCE) filed under 37 CFR §1.53(d) for the instant application on 05/19/05. Applicants have properly set forth the RCE, which has been entered into the application, and an examination on the merits follows herewith.

2. Claims 1-50 are pending.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 50 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 50 recites the limitation "the first region" in line 15. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 6-7, 9-10, 19-22, 24, 26-36, 39-41, and 43- 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lokuge ("Lokuge", USP 6252597).

and Bertram (USP 5602597).

Regarding claim 1, Lokuge teaches a method for displaying a menu items in an OSD device, comprising the steps of displaying a plurality of main menu items on a first region of the screen, each menu item located in a separately delineated space (Fig. 4 shows displaying main menu items such as "news", "files", "bookmarks" in separately delineated spaces), opening space between a first main menu item and a second main menu item adjacent to the first main menu item (Fig. 5 shows area from "artistic" to "wanted" which is a opened space between a first main menu item "bookmarks" and a second main menu item "email" adjacent to the first main menu item "bookmarks") (Fig. 5 and Fig. 11); displaying in the opened space, a second menu level having at least one sub-menu item corresponding to the first main menu item (col 6, lines 53-55) (see second menu level 54 which lists sub-menu items under "files" category). Lokuge differs from the claim in that Lokuge does not teach that the space is delineated and the first main menu item is not displayed in said separately delineated opened space. However, this feature is known in the art as taught by Bertram. Bertram teaches a system which displays menu on a TV screen (col 2, lines 22-44), the system comprises displaying a main menu, upon selection of an item in the main menu (see cursor 135 selects "Weather" in the menu "Information highway" in Fig. 14), displaying a delineated space which presents information relating to the selected main item, and the selected main menu item is not displayed in this delineated space (in Fig. 15, information about "Lexington weather" relates to selected "Weather", information is displayed in a clearly bordered area, and selected weather is displayed outside clearly bordered area. Since both teaching of Lokuge and Bertram relate to displaying information on a screen,

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specifically, displaying relating information of items in a main menu, it would have been obvious to one of ordinary skill in the art, having the teaching of Lokuge and Bertram before him at the time the invention was made, to modify the step of displaying submenu information taught by Lokuge to display submenu information in a clearly bordered area taught by Bertram with the motivation being to distinctively present information to users. Lokuge also differs from the claim in that Lokuge does not teach that if the selected main menu item is video, then the submenu item related to the video is displayed. However, such feature is known in the art as taught by Bertram.

Specifically, Bertram teaches a system which displays menu on a TV screen (col 2, lines 22-44), the system comprises displaying a main menu, upon selection of an item in the main menu which is video, the submenu item related to the video is displayed (see Fig. 14-15). It would have been obvious to one of ordinary skill in the art, having the teaching of Lokuge and Bertram before him at the time the invention was made, to modify the menu system taught by Lokuge to include the feature to display the submenu item related to the video when video item in the main menu is selected taught by Bertram with the motivation being to use Lokuge menu display system to display information relating to video.

Regarding claim 2, Lokuge teaches displaying the main menu items and the sub-menu items in a direction from the top to the bottom of the screen (Fig. 5).

Regarding claim 3, Lokuge teaches displaying the main menu items and the sub-menu items in a direction from the left to the right of the screen (Fig. 5).

Regarding claim 4, Lokuge teaches the main menu items are displayed simultaneously when a user request to display the first menu level is input through a selecting device (inherent).

Regarding claim 6, Lokuge teaches sub-menu items are continuously displayed, starting from a point at which a display of the first main menu item ends to a point at which a display of the second main menu item begins (Fig. 5).

Regarding claim 7, Lokuge teaches the sub-menu items are displayed simultaneously when a user request to display the second menu level is input through a selecting device (col 6, lines 53-55).

Regarding claim 9, Lokuge teaches displaying the screen in a first color, displaying the main menu items in a second color, and displaying the sub-menu items in a third color; and wherein two of the first, second, or third colors are identical (col 7, lines 34-38).

Regarding claim 10, Lokuge teaches displaying the screen in a first luminance, displaying the main menu items in a second luminance, and displaying the sub-menu in a third luminance; and wherein two of the first, second, or third luminances are identical or all three of the first, second and third luminances are different (col 7, lines 39-41)

Regarding claim 19, Lokuge teaches a method for displaying a menu in an OSD device, comprising the steps of displaying a plurality of main menu items in separately delineated spaces in a first region of a screen when a user request a display of main menu items (Fig. 4 shows displaying main menu items such as "news", "files", "bookmarks" in separately delineated spaces) using an item indicator and a selecting device (cursor, col 7, line 5); opening space between a first main menu item and a

second main menu item adjacent to the first main menu item (Fig. 5 shows area from "artistic" to "wanted" which is a opened space between a first main menu item "bookmarks" and a second main menu item "email" adjacent to the first main menu item "bookmarks") (Fig. 5 and Fig. 11); displaying in the opened space, a second menu level having at least one sub-menu item corresponding to the first main menu item (col 6, lines 53-55) (see second menu level 54 which lists sub-menu items under "files" category), displaying a function control window corresponding to a selected sub-menu item in a second region of the screen, when a sub-menu item is selected using the item indicator and the selecting device ("Patent -Netscape" window in Fig. 11); and controlling a function in the displayed function control window using the selecting device and the item indicator (Fig. 11; also see Fig. 9 and col 10, lines 16-32). Lokuge differs from the claim in that Lokuge does not teach that the space is delineated and the first main menu item is not displayed in said separately delineated opened space. However, this feature is known in the art as taught by Bertram. Bertram teaches a system which displays menu on a TV screen (col 2, lines 22-44), the system comprises displaying a main menu, upon selection of an item in the main menu (see cursor 135 selects "Weather" in the menu "Information highway" in Fig. 14), displaying a delineated space which presents information relating to the selected main item, and the selected main menu item is not displayed in this delineated space (in Fig. 15, information about "Lexington weather" relates to selected "Weather", information is displayed in a clearly bordered area, and selected weather is displayed outside clearly bordered area. Since both teaching of Lokuge and Bertram relate to displaying information on a screen, specifically, displaying relating information of items in a main menu, it would have been

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obvious to one of ordinary skill in the art, having the teaching of Lokuge and Bertram before him at the time the invention was made, to modify the step of displaying submenu information taught by Lokuge to display submenu information in a clearly bordered area taught by Bertram with the motivation being to distinctively present information to users.

Regarding claim 20, Lokuge teaches a main menu item is selected where a user positions the item indicator on a main menu item (col 7, lines 1-8).

Regarding claims 21 and 33, Lokuge does not teach the selecting a menu item by entering a selection key. However, such feature is known in the art as taught by Bertram. Bertram teaches a system which displays menu on a TV screen (col 2, lines 22-44), the system comprises displaying a main menu and a remote control having selection key for selecting menu item (see Fig. 6). It would have been obvious to one of ordinary skill in the art, having the teaching of Lokuge and Bertram before him at the time the invention was made, to modify the interface system taught by Lokuge to include the selection key taught by Bertram with the motivation being to give the user different methods in entering his/her selection in a menu.

Regarding claim 22, Lokuge teaches that main menu items are displayed simultaneously on the screen when a user request a display of the main menu items through a selecting device (Fig. 4).

Regarding claim 24, Lokuge teaches that sub-menu items corresponding to a main menu item are displayed simultaneously when a user selects a main menu item using the item indicator (col 3, lines 60-62).

Regarding claim 26, Lokuge teaches displaying the screen in a first color, displaying the plurality of main menu items in a second color, displaying the at least one sub-menu item in a third color, and displaying the function control window in a fourth color; and wherein at least two of the first, second, third or fourth colors are identical (col 7, lines 42-45).

Regarding claim 27, Lokuge teaches displaying the screen in a first luminance, displaying the plurality of main menu items in a second luminance, displaying the at least one sub-menu item in a third luminance, and displaying the function control window in a fourth luminance; and wherein at least two of the first, second, third or fourth luminances are identical (col 7, lines 39-41).

Regarding claim 28, Lokuge teaches erasing the displayed at least one sub-menu item and closing the first space when a new main menu item is selected using the item indicator and the selecting device (col 7, lines 8-10); opening a second space between the new main menu item and a main menu item adjacent to the new first main menu item; and displaying, in the second space, at least one sub-menu item corresponding to the new main menu item (col 6, lines 53-56).

Regarding claim 29, it is inherent that Lokuge teaches erasing the displayed function control window from the second region of the screen when a new sub-menu item is selected using the item indicator and the selecting device; and displaying, in the second region, a function control window corresponding to the new sub-menu item.

Regarding claim 30, Lokuge teaches that the selecting device is a mouse (col 7, line 3).

Regarding claim 31, Lokuge teaches the item indicator is a cursor (col 7, line 50).

Regarding claim 32, Lokuge teaches an OSD device (Fig. 1) comprising a storage which stores a plurality of OSD main menu items (Fig. 4), a data on at least one sub-menu item corresponding to each of the main menu items and a system program (Fig. 5-7); a screen 16 which displays the OSD menu; a selecting device 18 which allows a user to move an item indicator (pointer or cursor; col 7, lines 4-5) on the screen and to select a menu item using the item indicator (col 7, lines 13-14); and a controller which displays the main menu items from the storage on the screen device in a separately delineated space (Fig. 4 shows displaying main menu items such as "news", "files", "bookmarks" in separately delineated spaces), opening space between a first main menu item and a second main menu item adjacent to the first main menu item (Fig. 5 shows area from "artistic" to "wanted" which is a opened space between a first main menu item "bookmarks" and a second main menu item "email" adjacent to the first main menu item "bookmarks") (Fig. 5 and Fig. 11); displaying in the opened space, a second menu level having at least one sub-menu item corresponding to the first main menu item (col 6, lines 53-55) (see second menu level 54 which lists sub-menu items under "files" category). Lokuge differs from the claim in that Lokuge does not teach that the space is delineated and the first main menu item is not displayed in said separately delineated opened space. However, this feature is known in the art as taught by Bertram. Bertram teaches a system which displays menu on a TV screen (col 2, lines 22-44), the system comprises displaying a main menu, upon selection of an item in the

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main menu (see cursor 135 selects "Weather" in the menu "Information highway" in Fig. 14), displaying a delineated space which presents information relating to the selected main item, and the selected main menu item is not displayed in this delineated space (in Fig. 15, information about "Lexington weather" relates to selected "Weather", information is displayed in a clearly bordered area, and selected weather is displayed outside clearly bordered area. Since both teaching of Lokuge and Bertram relate to displaying information on a screen, specifically, displaying relating information of items in a main menu, it would have been obvious to one of ordinary skill in the art, having the teaching of Lokuge and Bertram before him at the time the invention was made, to modify the step of displaying submenu information taught by Lokuge to display submenu information in a clearly bordered area taught by Bertram with the motivation being to distinctively present information to users. Lokuge also differs from the claim in that Lokuge does not teach that if the selected main menu item is video, then the submenu item related to the video is displayed. However, such feature is known in the art as taught by Bertram. Specifically, Bertram teaches a system which displays menu on a TV screen (col 2, lines 22-44), the system comprises displaying a main menu, upon selection of an item in the main menu which is video, the submenu item related to the video is displayed (see Fig. 14-15). It would have been obvious to one of ordinary skill in the art, having the teaching of Lokuge and Bertram before him at the time the invention was made, to modify the menu system taught by Lokuge to include the feature to display the submenu item related to the video when video item in the main menu is selected taught by Bertram with the motivation being to use Lokuge menu display system to display information relating to video.

Regarding claim 34, Lokuge teaches that the selecting device is a mouse (col 7, line 3).

Regarding claim 35, Lokuge teaches the item indicator is a cursor (col 7, line 50).

Regarding claims 36 and 40, Lokuge teaches a function control window corresponding to sub-menu item selected from the displayed at least one sub-menu item, wherein the first and second regions of the screen are non-overlapping parallel regions (Fig. 9 and col 10, lines 16-32).

Regarding claims 41 and 44, it is inherent that the sub-menu items (sub-categories) are preset and not modifiable by a user (col 6, lines 17-19; col 7, lines 20-22).

Regarding claim 45, Lokuge teaches a method for displaying OSD menu items on a screen comprising displaying a first menu level having plurality of main menu items on a first region of the screen, each menu item in a separately delineated space on a first region of the screen (Fig. 4; col 6, lines 21-22); (Fig. 4 shows displaying main menu items such as "news", "files", "bookmarks" in separately delineated spaces) opening a space between a first main menu item and a second main menu item adjacent to the first main menu item (Fig. 5); and displaying, in the opened space, a second menu level having at least one sub-menu item corresponding to the first main menu item (col 6, lines 53-55). Lokuge differs from the claim in that Lokuge does not teach that the space is delineated. However, this feature is known in the art as taught by Bertram. Bertram teaches a system which displays menu on a TV screen (col 2, lines 22-44), the system comprises displaying a main menu, upon selection of an item in the main menu (see cursor 135 selects "Weather" in the menu "Information highway" in Fig. 14), displaying a

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delineated space which presents information relating to the selected main item (in Fig. 15, information about "Lexington weather" relates to selected "Weather", information is displayed in a clearly bordered area, and selected weather is displayed outside clearly bordered area. Since both teaching of Lokuge and Bertram relate to displaying information on a screen, specifically, displaying relating information of items in a main menu, it would have been obvious to one of ordinary skill in the art, having the teaching of Lokuge and Bertram before him at the time the invention was made, to modify the step of displaying submenu information taught by Lokuge to display submenu information in a clearly bordered area taught by Bertram with the motivation being to distinctively present information to users. Lokuge differs from the claim in that Lokuge does not teach that if the selected main menu item is video, then the submenu item related to the video is displayed. However, such feature is known in the art as taught by Bertram. Specifically, Bertram teaches a system which displays menu on a TV screen (col. 2, lines 22-44), the system comprises displaying a main menu, upon selection of an item in the main menu which is video, the submenu item related to the video is displayed (see Fig. 14-15). It would have been obvious to one of ordinary skill in the art, having the teaching of Lokuge and Bertram before him at the time the invention was made, to modify the menu system taught by Lokuge to include the feature to display the submenu item related to the video when video item in the main menu is selected taught by Bertram with the motivation being to use Lokuge menu display system to display information relating to video.

Regarding claim 46, Lokuge teaches a method for displaying a menu in an OSD device, comprising the steps of displaying a plurality of main menu items in a first region of a screen when a user request a display of main menu items, each menu item in a separately delineated space (Fig. 4) using an item indicator and a selecting device (cursor, col 7, line 5); opening a first space between a first main menu item and a second main menu item adjacent to the first main menu item when the first main menu item is selected using the item indicator (Fig. 5); displaying, in the first space, at least one sub-menu item corresponding to the first main menu item (Fig. 5 and Fig. 11); displaying a function control window corresponding to a selected sub-menu item in a second region of the screen, when a sub-menu item is selected using the item indicator and the selecting device ("Patent -Netscape" window in Fig. 11); and controlling a function in the displayed function control window using the selecting device and the item indicator (Fig. 11; also see Fig. 9 and col 10, lines 16-32). Lokuge differs from the claim in that Lokuge does not teach that the space is delineated. However, this feature is known in the art as taught by Bertram. Bertram teaches a system which displays menu on a TV screen (col 2, lines 22-44), the system comprises displaying a main menu, upon selection of an item in the main menu (see cursor 135 selects "Weather" in the menu "Information highway" in Fig. 14), displaying a delineated space which presents information relating to the selected main item (in Fig. 15, information about "Lexington weather" relates to selected "Weather", information is displayed in a clearly bordered area, and selected weather is displayed outside clearly bordered area. Since both teaching of Lokuge and Bertram relate to displaying information on a screen,

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specifically, displaying relating information of items in a main menu, it would have been obvious to one of ordinary skill in the art, having the teaching of Lokuge and Bertram before him at the time the invention was made, to modify the step of displaying submenu information taught by Lokuge to display submenu information in a clearly bordered area taught by Bertram with the motivation being to distinctively present information to users.

Regarding claim 47, Lokuge teaches an OSD device (Fig. 1) comprising a storage which stores a plurality of OSD main menu items (Fig. 4), a data on at least one sub-menu item corresponding to each of the main menu items and a system program (Fig. 5-7); a screen 16 which displays the OSD menu; a selecting device 18 which allows a user to move an item indicator (pointer or cursor; col 7, lines 4-5) on the screen and to select a menu item using the item indicator (col 7, lines 13-14); and a controller which displays the main menu items from the storage on the screen device in a separately delineated space (Fig. 4 shows displaying main menu items such as "news", "files", "bookmarks" in separately delineated spaces), opening space between a first main menu item and a second main menu item adjacent to the first main menu item (Fig. 5 shows area from "artistic" to "wanted" which is a opened space between a first main menu item "bookmarks" and a second main menu item "email" adjacent to the first main menu item "bookmarks") (Fig. 5 and Fig. 11); displaying in the opened space, a second menu level having at least one sub-menu item corresponding to the first main menu item (col 6, lines 53-55) (see second menu level 54 which lists sub-menu items under "files" category). Lokuge differs from the claim in that Lokuge does not teach that

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the space is delineated. However, this feature is known in the art as taught by Bertram. Bertram teaches a system which displays menu on a TV screen (col 2, lines 22-44), the system comprises displaying a main menu, upon selection of an item in the main menu (see cursor 135 selects "Weather" in the menu "Information highway" in Fig. 14), displaying a delineated space which presents information relating to the selected main item (in Fig. 15, information about "Lexington weather" relates to selected "Weather", information is displayed in a clearly bordered area, and selected weather is displayed outside clearly bordered area. Since both teaching of Lokuge and Bertram relate to displaying information on a screen, specifically, displaying relating information of items in a main menu, it would have been obvious to one of ordinary skill in the art, having the teaching of Lokuge and Bertram before him at the time the invention was made, to modify the step of displaying submenu information taught by Lokuge to display submenu information in a clearly bordered area taught by Bertram with the motivation being to distinctively present information to users. Lokuge differs from the claim in that Lokuge does not teach that if the selected main menu item is video, then the submenu item related to the video is displayed. However, such feature is known in the art as taught by Bertram. Specifically, Bertram teaches a system which displays menu on a TV screen (col 2, lines 22-44), the system comprises displaying a main menu, upon selection of an item in the main menu which is video, the submenu item related to the video is displayed (see Fig. 14-15). It would have been obvious to one of ordinary skill in the art, having the teaching of Lokuge and Bertram before him at the time the invention was made, to modify the menu system taught by Lokuge to include the feature to

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display the submenu item related to the video when video item in the main menu is selected taught by Bertram with the motivation being to use Lokuge menu display system to display information relating to video.

Regarding claim 39, Lokuge teaches a function control window corresponding to sub-menu item selected from the displayed at least one sub-menu item, wherein the first and second regions of the screen are non-overlapping parallel regions (Fig. 9 and col 10, lines 16-32).

Regarding claim 43, it is inherent that the sub-menu items (sub-categories) are preset and not modifiable by a user (col 6, lines 17-19; col 7, lines 20-22).

7. Claims 5, 8, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lokuge, Bertram, and Kim ("Kim", USP 6133911).

Regarding claim 23 and 25, Lokuge does not teach the sequentially displayed the menu items. However, such feature is known in the art as taught by Kim. Kim teaches a method for selecting menu displayed via television receiver which comprises the display menu sequentially (col 1, lines 13-14). It would have been obvious to one of ordinary skill in the art, having the teaching of Lokuge and Kim before him at the time the invention was made, to modify the interface method taught by Lokuge to include the sequentially displayed menu taught by Kim with the motivation being to enable the system to display menu in portions.

Regarding claims 5 and 8, Lokuge does not teach the sequentially displayed the menu items. However, such feature is known in the art as taught by Kim. Kim teaches a method for selecting menu displayed via television receiver which comprises the display

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menu sequentially (col 1, lines 13-14). It would have been obvious to one of ordinary skill in the art, having the teaching of Lokuge and Kim before him at the time the invention was made, to modify the interface method taught by Lokuge to include the sequentially displayed menu taught by Kim with the motivation being to enable the system to display menu in portions.

8. Claims 11- 12, 14-15, 17, 37-38, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lokuge and Hendricks et al ("Hendricks", USP 6539548).

Regarding claim 11, Lokuge teaches a method for displaying a menu in an OSD device comprising displaying a plurality of main menu items (Fig. 4) and an item indicator on a screen (cursor, col 7, line 5); opening a first space between a first main menu item and a second main menu item adjacent to the first main menu item when the first main menu item is selected using the item indicator such that the first main menu item is not displayed in said open space and displaying, in the first space, at least one sub-menu item corresponding to the first main menu item (Fig. 5); erasing the displayed at least one sub-menu item and closing the first space when a new main menu item is selected using the item indicator (col 7, lines 8-11); opening a second space between the new main menu item and a main menu item adjacent to the new first main menu item and displaying, in the second space, at least one sub-menu item corresponding to the new main menu item (col 3, lines 60-62). Lokuge differs from the claim in that Lokuge does not teach that if the selected main menu item is video, then the submenu item related to the video is displayed. However, such feature is known in the art as taught by Hendricks. Specifically, Hendricks teaches a television entertainment systems which comprises a main menu such that if the selected main

menu item is video, then the submenu item related to the video is displayed (col 37, lines 10-15). It would have been obvious to one of ordinary skill in the art, having the teaching of Lokuge and Hendricks before him at the time the invention was made, to modify the menu system taught by Lokuge to include the feature to display the submenu item related to the video when video item in the main menu is selected taught by Hendricks with the motivation being to enable the system to display information related to the selected item in the main menu.

Regarding claim 12, Lokuge teaches a main menu item is selected where a user positions the item indicator on a main menu item (col 7, lines 1-8).

Regarding claim 14, Lokuge teaches that item indicator is one of either a highlight or a cursor (col 7, lines 4-5).

Regarding claim 15, Lokuge teaches that main menu items are displayed simultaneously on the screen when a user request a display of the main menu items through a selecting device (Fig. 4).

Regarding claim 17, Lokuge teaches that sub-menu items corresponding to a main menu item are displayed simultaneously when a user selects a main menu item using the item indicator (col 3, lines 60-62).

Regarding claims 37-38, Lokuge teaches a function control window corresponding to sub-menu item selected from the displayed at least one sub-menu item, wherein the first and second regions of the screen are non-overlapping parallel regions (Fig. 9 and col 10, lines 16-32).

Regarding claim 42, it is inherent that the sub-menu items (sub-categories) are preset and not modifiable by a user (col 6, lines 17-19; col 7, lines 20-22).

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9. Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lokuge, Hendricks, and Kim ("Kim", USP 6133911).

Regarding claims 16 and 18, Lokuge does not teach the sequentially displayed the menu items. However, such feature is known in the art as taught by Kim. Kim teaches a method for selecting menu displayed via television receiver which comprises the display menu sequentially (col 1, lines 13-14). It would have been obvious to one of ordinary skill in the art, having the teaching of Lokuge and Kim before him at the time the invention was made, to modify the interface method taught by Lokuge to include the sequentially displayed menu taught by Kim with the motivation being to enable the system to display menu in portions.

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lokuge, Hendricks, and Torres.

Regarding claims 13 and 33, Lokuge does not teach the selecting a menu item by entering a selection key. However, such feature is known in the art as taught by Torres. Torres teaches a method of navigating among program menus which comprises the pressing Enter Key on the keyboard to select a menu corresponding to the current cursor location (col 5, lines 66-68). It would have been obvious to one of ordinary skill in the art, having the teaching of Lokuge and Torres before him at the time the invention was made, to modify the interface system taught by Lokuge to include the selection key taught by Torres with the motivation being to give the user different methods in entering his/her selection in a menu.

Allowable Subject Matter

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11. Claims 48-49 are allowed.

Claim 50 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

12. Applicant's arguments filed 05/19/05 have been considered but are not persuasive.

In response to Applicant's argument that "Lokuge does not open a separately delineated spaceto the first main menu item" (second paragraph of page 26) and "Lokuge has no concept of opening a separately delineated space...." (the sixth paragraph of page 26), it is noted that these arguments attack reference individually. Lokuge teaches opening space between main menu items. Lokuge differs from the claim in that Lokuge does not teach that the space is delineated and the first main menu item is not displayed in said separately delineated opened space. However, this feature is known in the art as taught by Bertram as presented in the above rejection.

In response to Applicant's argument that "while Betram delineates....there is no second main menu item..." (the second paragraph of page 27), it is noted that the arguments attacks reference individually since Lokuge teaches opening space between main menu items.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to Applicant's argument that "these two references teach distinctly different modes of operation...."(the second paragraph of page 27), and "these fundamental differences"(the first paragraph of page 28), it is noted that such is not quite the case. Since Lokuge teaching and Betram teaching in the same field of graphical user interface, specifically, in the same field of displaying OSD menu items, the teachings are analogous.

In response to Applicant's argument that "nothing in the right hand side....controllable functions of a digital television..." and "the second region remains the same size...."(the third paragraph of page 28), it is noted that these limitations are not recited in the rejected claims.

In response to Applicant's argument that "the broad conclusionary desire ...is not clear and particular ..." (lines 7-11 of page 29), it is noted that such is not quite the case. Since OSD menu presents information (menu and sub-menu items) to users, displaying sub-menu items in a clearly bordered area will distinctively present information to users.

In response to Applicant's argument regarding claims 11, it is noted that such is not quite the case. The mouse button click of Lokuge is used to not only contract a category but to expand a category as well.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

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Kieu D. Vu
Patent Examiner

